

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of CHRISTIAN DANIEL, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

CHRISTOPHER VANZANT,

Respondent-Appellant.

UNPUBLISHED

October 28, 2004

No. 253971

Oakland Circuit Court

Family Division

LC No. 02-660518-NA

Before: Whitbeck, C.J., and Jansen and Bandstra, JJ.

MEMORANDUM.

Respondent appeals as of right from the trial court order terminating his parental rights to the minor child under MCL 712A.19b(3)(c)(i), (g) and (j). We affirm.

Respondent pleaded no contest to the allegations in the original petition and allowed the court to take temporary custody of the child in exchange for dismissal of the permanent custody petition against him. The court accepted respondent's plea, and a parent-agency agreement was prepared for respondent requiring him to maintain employment, obtain suitable housing, maintain contact with the caseworker, visit the child consistently, take parenting classes, submit to a psychological evaluation and participate in therapy. Some seventeen months later, petitioner filed a permanent custody petition, alleging that respondent had failed to substantially comply with the agreement and seeking termination of respondent's parental rights to the minor child. Respondent again pleaded no contest to the allegations in the petition in exchange for additional time to comply with the agreement and to show that termination of his parental rights was not in the child's best interests.

Respondent now concedes that, by twice pleading no contest to the allegations seeking termination of his parental rights in exchange for additional time to show that he could properly care for his child, his appeal is limited to the issue of whether the trial court erred in failing to find that termination of his parental rights was not in the child's best interests. MCL 712A.19b(5). We review the trial court's decision for clear error. *In re Trejo Minors*, 462 Mich 341, 356-357; 612 NW2d 407 (2000).

Although respondent loved the child, the evidence showed that the child had not bonded with respondent and, in fact, feared him. Furthermore, the evidence showed that respondent could not properly care for the child on his own if the child were returned to his care. Respondent had failed to provide documentation of employment, obtain suitable housing, or maintain contact with the caseworker. He did not submit to court-ordered drug testing. In light of the foregoing evidence, the trial court did not clearly err when it failed to conclude that termination of respondent's parental rights was clearly not in the child's best interests. *Id.* Thus, the trial court did not clearly err in terminating respondent's parental rights to the child.

We affirm.

/s/ William C. Whitbeck

/s/ Kathleen Jansen

/s/ Richard A. Bandstra